

2011 DRAFTING REQUEST

Bill

Received: **02/01/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 6-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **tdodge**

Subject: **Insurance - health**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**
pam.kahler@legis.wisconsin.gov

Pre Topic:

DOA:.....Dombrowski, BB0296 -

Topic:

Eliminate contraceptive insurance mandate

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 02/01/2011	nnatzke 02/04/2011		_____			S&L
/1	tdodge 02/07/2011		rschluet 02/04/2011	_____	sbasford 02/04/2011		S&L
/2	tdodge 02/10/2011	nnatzke 02/11/2011	rschluet 02/14/2011	_____	sbasford 02/14/2011		

FE Sent For:

<END>

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/?	tdodge 02/01/2011	nmatzke 02/04/2011					S&L
/1		1/2 nwn 2/11	rschluet 02/04/2011		sbasford 02/04/2011		

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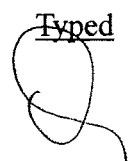
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/?	tdodge	1 NW 1 2/4		==			

FE Sent For:

<END>

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Tuesday, February 01, 2011 11:38 AM
To: Kahler, Pam; Dodge, Tamara
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Tuesday, February 01, 2011 11:25 AM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Gauger, Michelle C - DOA; Dombrowski, Cynthia A - DOA
Subject: Statutory Language Drafting Request

Topic: Eliminate the Contraceptive Mandate

Tracking Code: BB0296

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA
Phone: (608) 266-2214
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: OCI

Agency Number: 145

Priority: High

Intent:
Please repeal the health insurance mandated related to contraceptives.

Attachments: False



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1258? 02/1
TJD:1:....
Lnwn
RMNR

In 2/1/11

DOA:.....Dombrowski, BB0296 - Eliminate contraceptive insurance
mandate

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SAV

1 ^{don't gen.} AN ACT ...; relating to: the budget. ✓

Ins A

Analysis by the Legislative Reference Bureau
INSURANCE ✓

Ins 1-2

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

2

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE

TJD:nwn:rs

2011 BILL

1 AN ACT *to repeal* 609.805 and 632.895 (17); and *to amend* 40.51 (8), 40.51 (8m),
2 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g) and 185.983 (1) (intro.) of the statutes;
3 **relating to:** eliminating the requirement for health insurance policies to cover
4 contraceptives and related services.

~~Analysis by the Legislative Reference Bureau~~

Insert A { Current law requires health insurance policies, including defined network plans and voluntary nonprofit health care plans operated by a cooperative association, and self-insured governmental and school district health plans to cover the cost of contraceptives prescribed by a health care provider and of outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive. This bill eliminates these requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

Insert 1-2 { ~~The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:~~

BILL

1 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
3 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
4 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to ~~(17)~~ (16m), and 632.896.

5 **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

6 40.51 **(8m)** Every health care coverage plan offered by the group insurance
7 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
8 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.885, 632.89, and
9 632.895 (11) to ~~(17)~~ (16m).

10 **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

11 66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
12 a village provides health care benefits under its home rule power, or if a town
13 provides health care benefits, to its officers and employees on a self-insured basis,
14 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
15 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87
16 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

17 **SECTION 4.** 111.91 (2) (n) of the statutes is amended to read:

18 111.91 **(2)** (n) The provision to employees of the health insurance coverage
19 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

20 **SECTION 5.** 120.13 (2) (g) of the statutes is amended to read:

21 120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.
22 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
23 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895
24 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

25 **SECTION 6.** 185.983 (1) (intro.) of the statutes is amended to read:

Insert 1-2

BILL

1 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
2 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
3 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
4 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
5 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
6 632.853, 632.855, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89, 632.895 (5)
7 and (8) to ~~(17)~~ (16m), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and
8 646, but the sponsoring association shall:

9 **SECTION 7.** 609.805 of the statutes is repealed.

10 **SECTION 8.** 632.895 (17) of the statutes is repealed.

11

(END)
^
INS 1-2

Dodge, Tamara

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]

Sent: Wednesday, February 09, 2011 10:43 PM

To: Dodge, Tamara

Subject: RE: Statutory Language Drafting Request

Hi Tami,

Please make this provision effective with policies renewed or issued after three months from the effective date of the bill

Thanks,
Cindy

Cynthia Dombrowski

Executive Policy and Budget Analyst

Department of Administration

Tel: (608)266-2214

Fax: (608)267-0372

cynthia.dombrowski@wisconsin.gov

From: Dodge, Tamara [mailto:Tamara.Dodge@legis.wisconsin.gov]

Sent: Friday, February 04, 2011 1:54 PM

To: Dombrowski, Cynthia A - DOA

Subject: FW: Statutory Language Drafting Request

Cynthia,

You should be receiving a copy of this budget draft soon, if you haven't already. Another drafter here caught the fact that I hadn't put an initial applicability provision in this draft. Usually, insurance contracts are only altered when they are issued, renewed, or otherwise modified and not in the middle of a contract period, and the initial applicability provision ensures that this is so. The draft I provided would eliminate the requirement in the middle of a contract period. I am not sure if an insured person could challenge the insurance company's decision to eliminate contraceptive coverage in the middle of a contract term if the insurer does so. Since the removal of a mandate just allows insurance companies to not cover contraceptives and does not require that the insurance company not cover contraceptives, I don't know if this would even be an issue or if insurers would wait until the contract renewal period anyway. The bottom line is that I don't know what was intended by the request with regard to initial applicability. Please let me know if the request intended only for the mandate to be lifted at the issuance, renewal, or modification of the insurance contract and I can redraft the draft with an initial applicability provision included.

If you have any question about this, please feel free to contact me.

Thanks,
Tami

Tamara J. Dodge

Attorney

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 267 - 7380

2/10/2011

tamara.dodge@legis.wisconsin.gov

From: Hanaman, Cathlene
Sent: Tuesday, February 01, 2011 11:38 AM
To: Kahler, Pam; Dodge, Tamara
Subject: FW: Statutory Language Drafting Request

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Sent: Tuesday, February 01, 2011 11:25 AM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Gauger, Michelle C - DOA; Dombrowski, Cynthia A - DOA
Subject: Statutory Language Drafting Request

Topic: Eliminate the Contraceptive Mandate

Tracking Code: BB0296

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA
Phone: (608) 266-2214
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: OCI

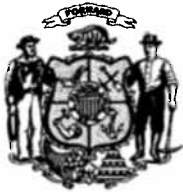
Agency Number: 145

Priority: High

Intent:
Please repeal the health insurance mandated related to contraceptives.

Attachments: False

2/10/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1258(1)
TJD:nwn:rs

In: 2/10/11

RmR

DOA:.....Dombrowski, BB0296 - Eliminate contraceptive insurance mandate

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 ^{don't gen.} AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Current law requires health insurance policies, including defined network plans and voluntary nonprofit health care plans operated by a cooperative association, and self-insured governmental and school district health plans to cover the cost of contraceptives prescribed by a health care provider and of outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive. This bill eliminates these requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 40.51 (8) of the statutes is amended to read:
3 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
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1 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
2 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to ~~(17)~~ (16m), and 632.896.

3 **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

4 40.51 (8m) Every health care coverage plan offered by the group insurance
5 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
6 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.885, 632.89, and
7 632.895 (11) to ~~(17)~~ (16m).

8 **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

9 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
10 a village provides health care benefits under its home rule power, or if a town
11 provides health care benefits, to its officers and employees on a self-insured basis,
12 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
13 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87
14 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

15 **SECTION 4.** 111.91 (2) (n) of the statutes is amended to read:

16 111.91 (2) (n) The provision to employees of the health insurance coverage
17 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

18 **SECTION 5.** 120.13 (2) (g) of the statutes is amended to read:

19 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
20 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
21 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895
22 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

23 **SECTION 6.** 185.983 (1) (intro.) of the statutes is amended to read:

24 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
25 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to

1 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
2 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
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7 **SECTION 7.** 609.805 of the statutes is repealed.

8 **SECTION 8.** 632.895 (17) of the statutes is repealed.

9 (END)

Insert
3-9
→

1 INSERT 3-9

2 *Create*
Autoref
3 *A* **SECTION 9325. Initial applicability; Insurance.**✓

4 ~~CONTRACEPTIVE COVERAGE.~~✓ The treatment of sections 40.51 (8)✓ and (8m)✓,
66.0137 (4)✓, 111.91 (2) (n)✓, 120.13 (2) (g)✓, ~~and~~ 185.983 (1) (intro.) of the statutes ~~and~~
5 the repeal of sections 609.805 and 632.895 (17) of the statutes first apply *g applies* to all of the
6 following:✓

7 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
8 that are newly issued or renewed, and governmental self-insured or school district
9 health plans that are newly established, extended, modified, or renewed, on the
10 effective date of this paragraph.✓

11 (b) Disability insurance policies covering employees who are affected by a
12 collective bargaining agreement containing provisions inconsistent with this act
13 that are newly issued or renewed on the earlier of the following:✓

14 1. The day on which the collective bargaining agreement expires.✓
15 2. The day on which the collective bargaining agreement is extended, modified,
16 or renewed.✓

17 (c) Governmental or school district self-insured health plans covering
18 employees who are affected by a collective bargaining agreement containing
19 provisions inconsistent with this act that are newly established, extended, modified,
20 or renewed on the earlier of the following:✓

21 1. The day on which the collective bargaining agreement expires.✓
22 2. The day on which the collective bargaining agreement is extended, modified,
23 or renewed.✓

SECTION 9425. Effective dates; Insurance.

(1) CONTRACEPTIVE COVERAGE. The treatment of sections 40.51 (8) and (8m),
66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), and 185.983 (1) (intro.) of the statutes and
SECTION 9325 (1) of this act and the repeal of sections 609.805 and 632.895 (17) of the
statutes take effect on the first day of the 4th month beginning after publication.

(END INSERT 3-9)

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1258/2
TJD:nwn:rs

DOA:.....Dombrowski, BB0296 - Eliminate contraceptive insurance
mandate

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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1 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
2 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to ~~(17)~~ (16m), and 632.896.

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4 40.51 **(8m)** Every health care coverage plan offered by the group insurance
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6 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.885, 632.89, and
7 632.895 (11) to ~~(17)~~ (16m).

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9 66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
10 a village provides health care benefits under its home rule power, or if a town
11 provides health care benefits, to its officers and employees on a self-insured basis,
12 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
13 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.87
14 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

15 **SECTION 4.** 111.91 (2) (n) of the statutes is amended to read:

16 111.91 **(2)** (n) The provision to employees of the health insurance coverage
17 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

18 **SECTION 5.** 120.13 (2) (g) of the statutes is amended to read:

19 120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.
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21 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895
22 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

23 **SECTION 6.** 185.983 (1) (intro.) of the statutes is amended to read:

24 185.983 **(1)** (intro.) Every voluntary nonprofit health care plan operated by a
25 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to

1 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
2 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
3 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
4 632.853, 632.855, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89, 632.895 (5)
5 and (8) to ~~(17)~~ (16m), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and
6 646, but the sponsoring association shall:

7 **SECTION 7.** 609.805 of the statutes is repealed.

8 **SECTION 8.** 632.895 (17) of the statutes is repealed.

9 **SECTION 9325. Initial applicability; Insurance.**

10 (1) CONTRACEPTIVE COVERAGE. The treatment of sections 40.51 (8) and (8m),
11 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.983 (1) (intro.), 609.805, and 632.895
12 (17) of the statutes first applies to all of the following:

13 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
14 that are newly issued or renewed, and governmental self-insured or school district
15 health plans that are newly established, extended, modified, or renewed, on the
16 effective date of this paragraph.

17 (b) Disability insurance policies covering employees who are affected by a
18 collective bargaining agreement containing provisions inconsistent with this act
19 that are newly issued or renewed on the earlier of the following:

20 1. The day on which the collective bargaining agreement expires.

21 2. The day on which the collective bargaining agreement is extended, modified,
22 or renewed.

23 (c) Governmental or school district self-insured health plans covering
24 employees who are affected by a collective bargaining agreement containing

1 provisions inconsistent with this act that are newly established, extended, modified,
2 or renewed on the earlier of the following:

- 3 1. The day on which the collective bargaining agreement expires.
4 2. The day on which the collective bargaining agreement is extended, modified,
5 or renewed.

6 **SECTION 9425. Effective dates; Insurance.**

7 (1) CONTRACEPTIVE COVERAGE. The treatment of sections 40.51 (8) and (8m),
8 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.983 (1) (intro.), 609.805, and 632.895
9 (17) of the statutes and SECTION 9325 (1) of this act take effect on the first day of the
10 4th month beginning after publication.

11 (END)